

1 the station.

2 MRS. DUFF: But we did serve -- we are serving a
3 much larger minority community.

4 JUDGE CHACHKIN: What community is that?

5 MRS. DUFF: In Portland. The market is --

6 JUDGE CHACHKIN: What does that have to do with the
7 needs of Odessa? Odessa, Texas, is not served by Portland,
8 are they?

9 MRS. DUFF: Well, the purpose of my mentioning that
10 is that the minority community in Portland is much larger than
11 the minority community in Odessa. However, the Odessa station
12 is still being served because the station is still on the air.

13 JUDGE CHACHKIN: Whether it's being served, the fact
14 of the matter is it's not being served by you, it's not being
15 controlled by you. It's being served by another entity who
16 can do what he wants with the station. Isn't that, isn't that
17 true?

18 MRS. DUFF: But --

19 JUDGE CHACHKIN: He's not bound by anything, any
20 agreement with you to continue programming?

21 MRS. DUFF: He has an affiliation agreement. As of
22 today, he does. He has -- He entered into a five-year
23 affiliation agreement.

24 JUDGE CHACHKIN: With who?

25 MRS. DUFF: With Trinity Broadcasting.

1 JUDGE CHACHKIN: Go ahead, Mr. Schonman. Or are you
2 moving to another subject? We could take a --

3 MR. SCHONMAN: No, no, actually --

4 JUDGE CHACHKIN: If you want to continue on, that's
5 fine.

6 MR. SCHONMAN: I just have --

7 JUDGE CHACHKIN: All right.

8 MR. SCHONMAN: -- two more general questions.

9 BY MR. SCHONMAN:

10 Q You said a moment ago that the minority population
11 in Portland is, is much bigger than the minority population in
12 Odessa.

13 A Yes, sir.

14 Q And my question is what is your support for, for
15 that?

16 A Well, Odessa is 146th market and Portland is the
17 26th market, I believe.

18 JUDGE CHACHKIN: What does that have to do with
19 minority population, the size of the market?

20 MRS. DUFF: Because there's, there's more, more --

21 JUDGE CHACHKIN: More people. But what does that --

22 MRS. DUFF: More people.

23 JUDGE CHACHKIN: -- have to do with minority
24 population, the size of the market?

25 MRS. DUFF: Well, the minority population in

1 comparison, in actual numbers of people, there's more minority
2 people in Portland than there are in Odessa.

3 JUDGE CHACHKIN: Well, what is your support for
4 that?

5 MRS. DUFF: The population statistics, the Census
6 statistics.

7 JUDGE CHACHKIN: What Census?

8 MRS. DUFF: The U.S. Census.

9 MR. TOPEL: Your Honor, it was in the direct case.

10 JUDGE CHACHKIN: Pardon me?

11 MR. TOPEL: It was in the direct case. That was
12 stricken.

13 MR. SCHONMAN: Well, perhaps I can help the
14 situation. Bureau Exhibit Number 241 --

15 JUDGE CHACHKIN: All right.

16 MR. SCHONMAN: -- might be -- might shed some light
17 on this. Exhibit 241, page 4. And the numbers that appear in
18 that are numbers provided by Mr. Colby May to Ms. Duff.

19 BY MR. SCHONMAN:

20 Q Do you have that before you, Mrs. Duff?

21 A Oh, I'm sorry. What --

22 JUDGE CHACHKIN: Exhibit 241.

23 BY MR. SCHONMAN:

24 Q Volume IV of the Bureau's exhibits.

25 A 241?

1 Q Correct.

2 A This is 1989, so I guess this'll give us what we
3 need.

4 Q Well, Mrs. Duff, these are numbers that Colby May
5 provided to you.

6 A This is the work force percentages, which is not
7 going to be the same.

8 Q Why did he, why did Mr. May provide these numbers to
9 you?

10 A Why did --

11 Q Why did Colby May provide these numbers to you?

12 A These -- Are you talking about in this document
13 here?

14 Q Yes.

15 A This is for EEO purposes. I'm responsible for all
16 the EEO matters of Trinity Broadcasting Network and I receive
17 the EEO affirmative action programs for each one of the
18 stations. So that's why I'm keenly aware of the minority
19 populations.

20 MR. SCHONMAN: Your Honor, may we go off the record
21 for just one moment?

22 JUDGE CHACHKIN: Yes.

23 (Off the record.)

24 BY MR. SCHONMAN:

25 Q Mrs. Duff, when you say that there are more

1 minorities in Portland than there are in Odessa, are you
2 referring to absolute numbers or percentages?

3 A You know, I'm, I'm not absolutely sure, but I know
4 that Portland is -- I believe it's a 20 -- it's the 26th
5 market in the country and Odessa's like the 146th. So I'm
6 talking about in true numbers there just are more people in
7 Odessa -- I mean, there's more people in Portland than there
8 are in Odessa, so the proportion of minorities is, you know,
9 the, the percentage may be greater in Odessa, but sheer
10 numbers, there are far more minority people in Portland than
11 there are in Odessa because Odessa's such a small community.

12 Q All right. I, I just have one last subject I want
13 to cover on this point, and this, this involves Bureau Exhibit
14 Number 256, which is that action by written consent regarding
15 the sale of the Odessa station. Do you have that before you?

16 A Yes.

17 Q Between the time the Odessa station went on the air
18 and the time that NMTV's board decided to sell the station,
19 had there been any attempt to construct studios, studio
20 facilities for the Odessa station?

21 A Not studios, because studios would be very costly.
22 But we had, you know, local origination capability but there
23 was no actual local programs ever produced at the station.

24 Q When you say local original -- local, local origin
25 capability -- origination capability, I'm sorry. I'm getting

1 | tired, too. Are you referring to tape machines that will play
2 | back a video tape?

3 | A No, they have the capability of, of, of doing local
4 | programs, but we never got production equipment or anything of
5 | that nature, and we still didn't have the people to carry out
6 | the productions. I had the plans which were cookie-cutter
7 | plans. It would be very simple to do a program, but there was
8 | a cost involved and I was very sensitive to the amount of cost
9 | involved because I -- my experience with Trinity and raising
10 | the funds for the budget for the production of programs.

11 | So I was very sensitive to what it would cost to, to
12 | produce even a simple local public affairs program, which was
13 | my plan to do that. That would have been the first program I
14 | would have produced, would have been a local issues type
15 | programming to meet the FCC's requirements for issues
16 | programs.

17 | Q So at the time that NMTV decided to sell the Odessa
18 | station, the station essentially consisted of an antennae, the
19 | transmitter building, and a satellite dish which would receive
20 | TBN programming and retransmit it over the station, correct?

21 | A Yes. But they did, they did have the equipment that
22 | they could have broadcast, yes.

23 | Q Tape machines?

24 | A Yes.

25 | MR. SCHONMAN: I think this is a good time to break.

1 JUDGE CHACHKIN: All right, we'll take a 10-minute
2 recess at this time.

3 (Off the record at 3:08 p.m.)

4 (On the record at 3:22 p.m.)

5 JUDGE CHACHKIN: All right, let's continue,
6 Mr. Schonman.

7 MR. TOPEL: Your Honor, I have a preliminary matter.
8 With the agreement of all the parties, we would like to
9 reoffer St. Joseph Tab double FF, TBF Exhibit 101, which is
10 strictly U.S. Census data of which Your Honor can take
11 official notice. It contains the 1990 Census data for
12 Portland and for Odessa, which is the only -- are the only
13 relevant parts of it, obviously. In light of the examination
14 that preceded the recess, I believe the parties are in
15 agreement that it may be constructive to have the official
16 Census data for those cities in the record.

17 JUDGE CHACHKIN: We're talking about those two
18 cities which have come up now, Odessa and Portland?

19 MR. TOPEL: Yes.

20 JUDGE CHACHKIN: For that limited purpose --

21 MR. COHEN: There's already a lot of --

22 JUDGE CHACHKIN: -- showing, showing the number of
23 minority -- members of minority groups in those two cities.
24 Is there a listing for Odessa separately?

25 MR. TOPEL: Yes, Your Honor. It's on page 5 of Tab

1 double F.

2 JUDGE CHACHKIN: I see.

3 MR. TOPEL: There's a listing for Portland and
4 Odessa. We were lucky that because of their proximity in the
5 alphabet I think they're both on the same page.

6 JUDGE CHACHKIN: All right.

7 MR. TOPEL: It's just double FF, Exhibit -- TBF
8 Exhibit 101.

9 JUDGE CHACHKIN: All right. I'll take official
10 notice of that, those two cities, unless other cities are
11 referred to and need to -- Now it's just those two cities.
12 All right.

13 BY MR. SCHONMAN:

14 Q Mrs. Duff, I'd like to continue with Bureau Exhibit
15 Number 257. And this is an audit report for National Minority
16 TV, Inc., dated December 31, 1988. Do you have that before
17 you?

18 A Yes.

19 Q Now, we've been looking through the years at the
20 financial reports. Is this the first financial reporting
21 which NMTV breaks away and a financial report is prepared for
22 NMTV and NMTV only?

23 A Yes, sir.

24 Q Why was a separate financial report prepared for
25 NMTV?

1 A Upon my request.

2 Q Why did you request it?

3 A Because at this point we were operating full-powered
4 stations and we had revenues, we had notes, and we needed to,
5 we needed to be able to more easily -- We, we had just come of
6 age. I mean, this was -- We were full-powered stations, you
7 know, it was just -- it was time.

8 JUDGE CHACHKIN: What full-power stations were
9 operating at this time?

10 MRS. DUFF: At this time, I guess it was just
11 Odessa, but it was on the air and we were getting ready to
12 enter into our -- the building of the other station, if I've
13 got my time -- Sometimes I have a hard time keeping up with
14 the actual dates.

15 JUDGE CHACHKIN: Well, this is -- you were entering
16 into a resolution, weren't you? Oh, no, you'd just gone on
17 the air. Go ahead.

18 BY MR. SCHONMAN:

19 Q Mrs. Duff, did you retain the firm of Huffman and
20 Company, H-U-F-F-M-A-N, certified public accountants, to
21 prepare this?

22 A Yes. This was under -- still under the same
23 arrangement with the -- with TBN. They actually negotiated
24 this so we could get a better rate.

25 Q TBN negotiated this?

1 A The accounting department did so that we could get a
2 better rate.

3 Q So in other words, TBN, TBN's accounting department
4 contacted Huffman and Company and arranged for Huffman and
5 Company to prepare this report?

6 A Yes, at my instruction. They had more clout and
7 were able to negotiate better.

8 MR. SCHONMAN: Your Honor, I think we can move on to
9 Bureau Exhibit Number 258.

10 BY MR. SCHONMAN:

11 Q Mrs. Duff, this is a, an interoffice memorandum from
12 Paul Crouch to all department heads dated May 23, 1989. Did
13 you get a copy of this when it was circulated?

14 A I'm sure that I -- by me being a department head, I
15 would have received one.

16 Q And it says here that Ruth Ward is the new
17 supervisor in our Personnel/Payroll Office. That was the
18 Personnel/Payroll Office that NMTV was using?

19 A Yes.

20 Q Did you send a copy of this memo to NMTV's station?

21 A I don't know if I did or not. I, I would -- I don't
22 remember sending them a copy of it. I possibly did, but I
23 just don't remember.

24 Q We can move on to Bureau Exhibit Number 259.

25 JUDGE CHACHKIN: I think you said NMTV. Did you

1 mean NMTV or TBN?

2 MR. SCHONMAN: I -- Well, I'm sorry, I can't
3 remember.

4 JUDGE CHACHKIN: I'm -- Let's move on if that's --
5 I'm just -- I just note here, Ms. Duff, that the bottom of the
6 page indicates Trinity Broadcast Network, but this -- Ruth
7 Ward was also in charge of -- supervisor of Payroll,
8 Personnel/Payroll of also then NMTV. Is that --

9 MRS. DUFF: Under the agreement to provide
10 accounting services, we also were getting our personnel
11 services taken care of as well.

12 JUDGE CHACHKIN: All right.

13 BY MR. SCHONMAN:

14 Q Exhibit 259, and that is a transmittal letter by
15 Colby May to the FCC dated May 25, 1989. And that's
16 transmitting a 1989 annual employment report for the Odessa
17 station. And my question to you, Mrs. Duff, is did you ask
18 Mr. May to prepare this form?

19 A He did not actually -- He just submitted the form.
20 We provided it for him and he submitted it.

21 Q We, meaning whom?

22 A National Minority.

23 Q Is that your signature on page 2 of this exhibit?

24 A Yes, sir.

25 Q We can turn to Bureau Exhibit Number 260, and that's

1 a combined audit report for December 31st, 1988, for TBN. And
2 I see that on page 5 that that's prepared by Huffman and
3 Company?

4 A Yes, sir.

5 Q NMTV is not included in this financial report,
6 correct?

7 A That's my understanding.

8 Q Is that because NMTV had its own separate financial
9 report?

10 A Yes, sir.

11 Q I also notice from reading through this that CET is
12 not included in this financial report, Community Educational
13 Television. Can you tell me why CET is not included in this
14 financial report?

15 A Let's see, at one point in time CET -- I think it
16 was about this time that they actually had their own
17 accounting department and they moved their financial
18 department to Houston, which is their headquarters. Now, they
19 have a director of finance and they have a -- their own --
20 They're just totally, you know, in another -- Everything is in
21 Houston. They have their computer and everything.

22 JUDGE CHACHKIN: When was this all established?

23 MRS. DUFF: It was established over a period of
24 time, it didn't happen all at once. They gradually moved, and
25 I'm not absolutely sure of the exact time frame, when they

1 actually started it.

2 JUDGE CHACHKIN: All right. Go ahead.

3 BY MR. SCHONMAN:

4 Q Bureau Exhibit Number 261 is a letter from Colby May
5 to you at NMTV dated June 2nd, 1989. Do you recall receiving
6 this at the time it was mailed to you?

7 A Yes, I'm sure I received this.

8 Q Now, this is -- this concerns the sale of the Odessa
9 station, correct?

10 A Yes.

11 Q And there's a reference in the first paragraph to a
12 company by the name of Prime Time Christian Broadcasting.

13 A Yes.

14 Q Was that company proposed to be the purchaser of the
15 Odessa station?

16 A That's correct. That's Al Cooper that I made
17 reference to earlier.

18 Q That's the same Al Cooper that --

19 A Yes.

20 Q -- you spoke about?

21 A Right.

22 Q And Al Cooper had assured you and, and Mr. Crouch
23 that he would continue to have TBN programming on the station?

24 A He wanted to have Trinity on, on his station. It
25 wasn't something that we had to negotiate. He had a station,

1 has had a station for several years in Roswell, New Mexico,
2 and he had carried TBN's programs for a number of years on
3 that station, also.

4 Q Now, you were, you were involved in Portland at this
5 time, correct?

6 A Yes, I believe -- Yes.

7 Q Still building it?

8 A Right.

9 Q And by selling the Odessa station, that would free
10 NMTV to purchase another full-power TV station?

11 A That's correct.

12 Q Let's turn to Bureau Exhibit Number 262. This is an
13 NMTV, NMTV memo from you to Darlene Eve at the Odessa station,
14 dated June 7, 1989, regarding employee wage problems. Why
15 don't you take a moment to look through that? (Pause) You're
16 ready?

17 A Yes.

18 Q Mrs. Duff, in the second paragraph, the third line
19 down, there is the sentence, "Mr. Prentice had no authority to
20 make any such promises or raises of any kind, nor is there
21 such a policy as Mr. Prentice outlined at any of our
22 stations." Do you see that?

23 A Yes.

24 Q What did you mean by "any of our stations"?

25 A That was just a poor phraseology because, actually,

1 this was the only station that NMTV had at this particular
2 time that was on the air.

3 Q Doesn't that reference really refer to TBN stations?

4 A I probably, in my mind, was thinking and -- because
5 I work with this a lot and I'm aware of TBN's policies. And a
6 lot of the policies of TBN which I think are good I carry over
7 into NMTV, strictly because they're just good business
8 policies.

9 JUDGE CHACHKIN: But the only stations which you
10 could have been referring to were TBN stations, since NMTV
11 didn't have any other stations?

12 MRS. DUFF: That's correct.

13 BY MR. SCHONMAN:

14 Q Bureau Exhibit Number 263, please. And that's an
15 NMTV memo from you, Mrs. Duff, to all staff dated June 9,
16 1989, regarding acting station manager. And you'll notice
17 that this memo contains a significant amount of handwriting on
18 it. And my question for you is whose handwriting is that?

19 A That's Colby May's handwriting.

20 Q We can move on to Bureau Exhibit Number 264. That
21 is a letter from George Sebastian to Mr. Darrell Miller at
22 Utah Communications in Salt Lake City and it's written on NMTV
23 letterhead. It's dated June 14, 1989. And my question for
24 you is, Mrs. Duff, at the time this letter was written, did
25 NMTV have a director of low-power television?

1 A No, sir.

2 Q Do you know why George Sebastian identified himself
3 as such in this letter?

4 A No, sir.

5 Q Is that a -- one of the many titles he used?

6 A Yes, sir.

7 Q Did you object to him using this title?

8 A It didn't really mean anything and I didn't think it
9 was worth the effort of making mention. George was incurable.

10 JUDGE CHACHKIN: I mean, he's writing to a third
11 party, not -- It's not something, an interoffice memo, and
12 he's called himself director of low-power television and it
13 didn't concern you that he was using the wrong title in
14 dealing with third parties?

15 MRS. DUFF: He probably thought that it gave him a
16 little more clout because if he's dealing with somebody and --
17 How do I -- I don't know what was in his mind.

18 JUDGE CHACHKIN: I'm not interested in his mind, but
19 the fact of the matter, he's representing himself on behalf of
20 National Minority Television, Inc., as the director of low-
21 power television. He's not writing to somebody in TBN, he's
22 writing to a third party. And it didn't concern you that the
23 fact that he's writing to a third party and he's representing
24 he holds this position with NMTV?

25 MRS. DUFF: I had talked to him about it, but, like

1 I said, he was incurable. What do you do with somebody that
2 just ignores what you say? I couldn't fire him because he
3 didn't, you know, he, he wasn't an employee and I didn't
4 really pay him that much for what he did.

5 BY MR. SCHONMAN:

6 Q Bureau Exhibit Number 266, those are the minutes of
7 a special meeting of TBN dated June 16, 1989. Did you attend
8 this meeting, Mrs. Duff?

9 A I don't have a recollection of -- No, I'm sorry, I
10 -- This was a TBN meeting. I, I don't have a recollection of
11 the meeting, if I did.

12 Q Do you recall NMTV requesting TBN for a loan in an
13 amount not to exceed \$300,000 for the Portland station?

14 A Yes.

15 Q Did you personally ask TBN's board to do that?

16 A Yes, because we, we didn't have anywhere else to get
17 the money. I mean, to get it, you know, in the way we were
18 able to get it, and we needed to remodel and there was a
19 commitment prior to the time that we got the permit that they
20 would help us to get the station on the air.

21 Q Mrs. Duff, how specifically did you request TBN to
22 loan this money to NMTV? Was it by letter or did you just ask
23 Paul Crouch?

24 A I probably just called on the phone and told them
25 what the costs were going to be and we needed to get moving on

1 it. It was not something where we would have had to have a
2 formal meeting and sit down at the table together. They were
3 already committed to helping us, helping us with the project,
4 and so we just needed to let them know that it was time. In
5 other words, we've got to have this, so --

6 Q So --

7 A -- please --

8 Q I'm sorry for interrupting you. So there was no
9 NMTV board action specifically authorizing you to approach
10 TBN's board for the purpose of obtaining a loan for the
11 Portland station?

12 A This --

13 Q You just picked up a phone and did it?

14 A Well, in this case, like I said, TBN had committed
15 to help us build the station and this was a part of that, you
16 know, building. They knew going in that it was going -- the
17 building was going to have to be renovated.

18 Q Let's turn ahead to Bureau Exhibit Number 267, and
19 this is a letter that you wrote to David Espinoza on
20 June 22nd, 1989. Who is Matthew Crouch, Mrs. Duff?

21 A He was Paul Crouch's son. At one time, he was, he
22 was an administrative assistant to Mr. Crouch.

23 Q Did he hold any position or was he employed by TBN?

24 A Yes.

25 Q What was the position he held at TBN at this time?

1 A That's what -- He was an administrative assistant to
2 Mr. Crouch at the time he was employed, during the time that
3 he was a signatory.

4 Q And that was a position you also held?

5 A Yes. There, there were several assistants.

6 Q I'm curious about something on page 3 of this
7 document. Do you see the line where you were to have signed
8 your name? Do you see that?

9 A On the one, one -- Yes.

10 Q And it looks as if it has been signed but, but
11 whited out because over the A in your first name, Jane,
12 there's a loop of some sort. I'm just curious about this.
13 Are you able to explain what, what that is?

14 A No, sir.

15 Q Now, when you sent this to David Espinoza,
16 Mr. Crouch had already signed the, the written consent,
17 correct?

18 A Yes. Mr. Espinoza signed three days after.

19 Q I'm sorry?

20 A He signed three days after.

21 Q On page 3, Paul Crouch signed on June 21, 1989, and
22 you didn't mail this letter to Mr. Espinoza till June 22nd,
23 1989.

24 A Right.

25 Q So I take it then that you sent Mr. Espinoza a blank

1 with no signatures on it, correct?

2 A Yes. I wanted to circulate it. Well, by the time
3 he got it -- You know, I probably sent it on the same day but
4 by the time he got it, it was, you know, a few days later.

5 Q When exactly was Phillip Crouch added as an office
6 of NMTV? Hadn't Charlene Williams and Phillip Crouch been
7 added to the board earlier?

8 MR. TOPEL: Do you mean Matthew Crouch? You said
9 Paul. Well, why don't you strike the question?

10 MR. SCHONMAN: I'm sorry, let, let me start over
11 again.

12 BY MR. SCHONMAN:

13 Q My, my question is why was Matthew Crouch added to
14 NMTV's -- Strike that. Why was Matthew Crouch added as an
15 office of NMTV in June 1989 when several months earlier
16 Charlene Williams and Phillip Crouch had been added as
17 officers of NMTV?

18 A I'm not absolutely sure. The record will have to
19 bear this out, but I think Mr. Phillip Crouch left TBN and
20 went to Dallas about that time, because Matt was added -- Matt
21 even occupied his old office, so that would be about the time
22 that the switch took place.

23 Q Bureau Exhibit 268. And I was just conferring with
24 my, my co-counsel because I wasn't sure whether Mr. Cohen had
25 covered this document or not.

1 MR. COHEN: I don't think I asked about this.

2 BY MR. SCHONMAN:

3 Q This is a memo to all station managers from you,
4 Mrs. Duff, dated June 22nd, 1989, regarding EEO/Affirmative
5 Action.

6 A Yes.

7 Q And my question to you is was this memo sent to NMTV
8 stations as well as TBN stations?

9 A Yes.

10 Q Bureau Exhibit Number 269 is a letter from George
11 Sebastian to Mark Jividan, J-I-V-I-D-A-N, in Columbus, Ohio,
12 and it's written on National Minority TV, Inc., letterhead,
13 dated June 23, 1988. And my question to you is at the time
14 this letter was written did NMTV have a director of low-power
15 television development?

16 A No, sir.

17 Q Do you know why Mr. Sebastian represented himself as
18 such in this letter?

19 A As I said before, he was extremely creative.

20 Q Did you advise him not to use this title at any time
21 after this letter?

22 A Yes, I did.

23 Q Did he continue to disobey your request?

24 A He'd usually find a more creative title for himself.

25 Q And did you continue to hire him as a consultant,

1 as, as you have said he is?

2 A He worked for cheap.

3 Q Your answer is yes?

4 A Yes, I did.

5 Q Mrs. Duff, we can turn to Bureau Exhibit Number 272,
6 and this is Form 990, Return of Organization Exempt from
7 Income Tax for 1988 for NMTV. Did you see this before it was
8 submitted to the government?

9 A I don't have a recollection of it, no.

10 Q Now, is this where that problem you were referring
11 to was ultimately cleared up?

12 A Yes.

13 Q That's the, the accounting problem?

14 A Yes, sir.

15 Q And by clearing up the problem, I'm referring to the
16 notation at the bottom of page 1 of this document. Is that --

17 A Yes.

18 Q Now, at the time this problem was cleared up, you
19 didn't even know that there had been a problem?

20 A No, sir.

21 Q When did you find out that the problem had been
22 cleared up?

23 A About two months ago, during the production of
24 documents.

25 Q Now, Mrs. Duff, on page 4 of Bureau Exhibit

1 Number 272, the form is signed by Charlene Williams. Do you
2 recognize that to be her signature?

3 A Yes.

4 Q And she signed this form as director of finance. My
5 question for you is was she director of finance for NMTV?

6 A No, sir.

7 Q She was director of finance for TBN, correct?

8 A That's correct.

9 Q Now, by the time that Charlene Williams signed this
10 form in July '89, Matthew Crouch had been added as an officer
11 of NMTV, correct?

12 A I believe so.

13 Q And if you look at page 10 of this form, there's no
14 reference to Matthew Crouch. Do you see that? My question to
15 you is do you know why he's missing from --

16 A No.

17 Q -- from this list?

18 A I'm sorry, I do not.

19 Q We can move to Bureau Exhibit Number 273. And this
20 is a -- page 1 is a memo from Mark Fountain to La Vera Johnson
21 dated July 20, 1989, regarding transfer to Portland, Oregon,
22 station. And there are a number of individuals who received
23 copies of this, as indicated at the bottom of the memo.

24 Mrs. Duff, what position did Mark Fountain hold at TBN?

25 A He was a maintenance engineer.

1 Q Now, if you turn to page 2 of this document, this is
2 a filled position report. What is the purpose of this report?

3 A The purpose of this is to retrieve documentation in
4 preparation for the station's renewal and their EEO reports.

5 Q Now, it shows that he applied for a position with
6 NMTV on August 14, 1989, correct?

7 A I beg your pardon?

8 Q On page of this document, it indicates that Mark
9 Fountain applied for a position with NMTV on August 14, 1989,
10 correct?

11 A Yes.

12 Q Is that the date that he applied for a position at
13 NMTV?

14 A I believe that that was the date that, that I talked
15 to him.

16 Q And the reason I bring this up is because on page 1
17 he's sending a memo to La Vera Johnson on July 20, 1989, in
18 which he's already planning to transfer.

19 A Well, he had -- This -- The date that I would have
20 filled this out is when we made the final decision to hire
21 him. I wouldn't have done this until we had already made the
22 decision.

23 Q Let me understand this. The August 14, 1989, date
24 is the date that Mark Fountain applied for a position --

25 A No, we made --

1 Q -- or the date that you hired him?

2 A No, we made the final decision. Mark was hired, as
3 far as I was concerned, but he -- I guess he just assumed
4 that -- He was preparing to go. I guess he thought he was a
5 shoo-in because he had already been referred -- He had high
6 recommendations from his superiors.

7 Q Mrs. Duff, according to page 2, there are no, no
8 other individuals listed on this page as being applicants for
9 the position. From that, should I assume that Mark Fountain
10 is the only individual who applied for the position as chief
11 engineer for NMTV's Portland station?

12 A Right. In 1989, engineers were hard to get and I
13 knew I had a good man. And I wasn't about to spend a lot of
14 money to advertise in Broadcasting Magazine and then get
15 somebody that, you know, that wasn't reliable. So when you've
16 got somebody that you can depend on, you know that they're
17 good, you go for it, especially in the engineering, because
18 it's, it's a very specialized field.

19 Q Can you describe the recruitment process for Mark
20 Fountain?

21 A I don't think that there was -- We didn't go through
22 as much of an effort to, to get Mark because we had somebody
23 we knew was going to do a job. We had a unique situation. We
24 had to have somebody that had the capability of not just being
25 a chief engineer, this man had to have the capabilities of